# Maryland Law Review

VOLUME THIRTY-EIGHT
1 9 7 9

Published by

MARYLAND LAW REVIEW, INC.

University of Maryland School of Law 500 West Baltimore Street Baltimore, Maryland 21201

In Co-operation with:

Maryland State Bar Association
Bar Association of Baltimore City

University of Maryland School of Law

©Copyright 1980 by Maryland Law Review, Inc.

PRINTED IN U.S.A.

## INDEX TO VOLUME THIRTY-EIGHT

### **Title Index To Articles**

BALANCING FREEDOM OF SPEECH	387
Commemoration of the Two Hundredth Anniversary of the Maryland Court of Appeals: A Short History	
Honorable Hall Hammond	229
THE COURT OF APPEALS OF MARYLAND: ROLES, WORK AND PERFORMANCE-PART II: CRAFTSMANSHIP AND DECISION-MAKING	
William L. Reynolds, II	148
DAVID HOFFMAN AND THE SHAPING OF A REPUBLICAN LEGAL CULTURE	673
Douglas v. Seacoast Products, Inc.: The Legal and Economic Consequences For the Maryland Oystery	
Thomas B. Lewis and Ivar E. Strand, Jr.	1
THE MIDSTREAM INCORPORATION OF A CASH-BASIS TAXPAYER: AN UPDATE	480
OF MEN AND LAWS: MURPHY, CORNFORD, ARNOLD, POTTER, PARKINSON, PETER, MACCOBY, AND GALL	37
ROBIN HOOD WAS RIGHT OR NEVER TRUST A SHERIFF: THE RELATIONSHIP BETWEEN SHERIFFS' SALES AND THE MARYLAND RECORDING ACT	623
Searches and Seizures Abroad in the Federal Courts  Keith E. Raffel	689
SUMMARY JUDGMENT IN MARYLAND C. Christopher Brown	188

### **Author Index to Articles**

Bloomfield, Maxwell, David Hoffman and the Shaping of a Republican Legal Culture	673
Bogen, David S., Balancing Freedom of Speech	387
Brown, C. Christopher, Summary Judgment in Maryland	188
Brumbaugh, John M., On the Retirement of Laurence M. Jones	630
Davidson, Honorable Rita C., A Tribute to Judge Irving A.  Levine	140
Hammond, Honorable Hall, Commemoration of the Two- Hundreth Anniversary of the Maryland Court of Appeals: A Short History	229
Keller, Robert I., The Midstream Incorporation of A Cash-Basis Taxpayer: An Update	480
Lewis, Thomas B., and Strand, Ivar E., Jr., Douglas v. Seacoast Products, Inc: The Legal and Economic Consequences For the Maryland Oystery	1
Raffel, Keith E., Searches and Seizures Abroad in the Federal Courts	689
REYNOLDS, WILLIAM L., II., The Court of Appeals of Maryland: Roles, Work and Performance — Part II: Craftsmanship and Decision-Making	148
Scanlon, Alfred A., Judge Irving A. Levine — A Seeker of Justice and a Disciple of Legal Realism	140
Soled, Alice A., Robin Hood Was Right or Never Trust a Sheriff: The Relationship between Sheriffs' Sales and the Maryland Recording Act	623
Sykes, Melvin J., Of Men and Laws: Murphy, Cornford, Arnold, Potter, Parkinson, Peter, Maccoby, and Gall	37

#### Comments

THE CONSTRUCTION OF INDEMNITY AGREEMENTS UNDER THE FEDERAL EMPLOYERS LIABILITY ACT: A CONFLIST OF PUBLIC POLICY AND CONTRACT LAW	71
THE PSYCHOLOGIST AS EXPERT WITNESS: SCIENCE IN THE COURT-	539
THE MARYLAND CONSUMER PROTECTION ACT: A PRIVATE CAUSE OF ACTION FOR UNFAIR OR DECEPTIVE TRADE PRACTICES	733
Cases Noted in Survey of Maryland Court of Appeals Decisions 1977-1978	
Government Employees Insurance Co. v. Harvey	299
Harris v. Jones	367
McBurney v. State	267
Sard v. Hardy	320
State Department of Assessments and Taxation v. Clark	242
Watson v. State	279
Recent Decisions	
Income Taxation of Net Gifts — Hirst v. Commissioner	110
The Warsaw Convention Creates a Cause of Action for Wrongful Death — Benjamin v. British European Airways	120
Installation and Use of a Pen Register Does Not Constitute a Fourth Amendment "Search" — Smith v. Maryland	767

### Tribute to Laurence M. Jones

On the Retirement of Laurence M. Jones John M. Brumbaugh 630	23	Laurence M. Jones as a Property Teacher Russell R. Reno
	30	On the Retirement of Laurence M. Jones John M. Brumbaugh
Tribute to Judge Irving A. Levine		Tribute to Judge Irving A. Levine
JUDGE IRVING A. LEVINE — A SEEKER OF JUSTICE AND A DISCIPLE OF LEGAL REALISM	40	

11

Honorable Rita C. Davidson

